

Before the Board of Zoning Adjustment, D. C.

Application No. 11947, of Dale B. McFeatters, pursuant to Section 8207.1 of the Zoning Regulations for variances from the rear yard requirements (Sections 3304.1 and 7107.22) in the R-1-B Zone, to permit a rear addition to a dwelling which is a nonconforming structure, as provided by Section 8207.11 of the regulations, at the premises 3240 - 38th St., N. W., known as Lot 36, Square 1817.

HEARING DATE: July 22, 1975

DECISION DATE: August 6, 1975

FINDINGS OF FACT:

1. Applicant proposes to erect a two (2) level deck at the rear of his semi-detached single family dwelling which is the end unit in a row of three (3) row dwellings.

2. The proposed deck will face the undedicated service alley at the rear of the structure.

3. The lower level of the two (2) story deck is to extend to the rear lot line and to the common party side lot line and is raised five (5) feet-six (6) inches off the ground. There are no area variances required for erection of the lower level of the deck because it is to be located below the joists of the first (1st) floor of the dwelling.

4. The upper level of the deck will have dimensions of three (3) feet six (6) inches by eleven (11) feet. The existing yard of the nonconforming structure provides ten (10) feet instead of the required twenty-five (25) foot rear yard. The upper level of the proposed deck will encroach three (3) more feet to the rear.

5. Opposition to the application was expressed at public hearing by the owner of the abutting dwelling to which applicant's structure is attached. The opposition was directed to the design of the deck and its extension to the rear lot line and common party side line. Most specifically the neighbor objected to the interference with the privacy of his screened porch located five (5) feet from the proposed deck and the difficulty with maneuvering an automobile around the supporting walls of the deck extending to the rear and side lot line into his

garage from the narrow alley.

6. The Zoning Administrator has determined that the proposed deck will not interfere with the light and air.

7. There are four (4) letters of support in the record from owners of property located within two-hundred (200) feet of the subject property. All express to the opinion that the proposed deck will enhance the appearance of the dwelling as well as the neighborhood and be an asset to the area.

CONCLUSIONS OF LAW:

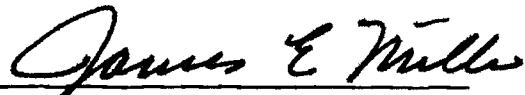
Based upon the above Findings of Fact and the evidence of record, the Board finds that applicant will suffer exceptional practical difficulty as a result of the strict application of the Zoning Regulations. The lower level of applicant's deck extending to the rear lot line and side lot line of the property is legal because it is to be located below the first (1st) floor joists. The remaining portion of the deck encroaches only three (3) feet over the already nonconforming rear yard requiring the variance. The opposition to the application is based mainly upon that portion of the deck which is legal and there is no interference with light and air. Applicant is unable to build the legal portion of his deck without also erecting the smaller portion requiring an area variance. The Board concludes that the approval of the variances can be granted without substantial detriment to the public good and without substantially impairing the intent of the Zoning Regulations.

ORDER: It is hereby ordered that the above application be GRANTED.

VOTE: 3-2 (Lilla Burt Cummings, Esq. and Walter B. Lewis dissenting)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



JAMES E. MILLER

Secretary to the Board

Application Nol 11947
Page 3

FINAL DATE OF ORDER: 9/12/75

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.